

## BEFORE THE FEDERAL MARITIME COMMISSION

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OFFICE OF THE SECRETARY FERENAL MARTIME COME

GOODWIN INTERNATIONAL LTD.

Complainant,

v.

AIR SEA INTERNATIONAL FORWARDING INC. and RAY TOBIA,

Respondents

) DOCKET NO. 15-07



### **VERIFIED COMPLAINT**

Complainant, Goodwin International Ltd. ("GOODWIN"), by and through their attorneys, Husch Blackwell LLP, hereby files its Verified Complaint against Respondents Air Sea International Forwarding Inc. ("ASI"), and Ray Tobia, collectively Respondents, pursuant to the Federal Maritime Commission's ("FMC or Commission") authority under Section 11 (a) of the Ocean Shipping Reform Act of 1998, as amended, (the "Shipping Act"), 46 U.S.C. § 41301 (a), and allege upon information and belief violations of Section 10(d)(1) of the Shipping Act, 46 U.S. Code § 41102 (c), the Commission's Code of Federal Regulations at 46 C.F.R. §515.31 (e), and 46 C.F.R.§515.11(a)(1), and further allege upon information and belief the following:

#### **PARTIES**

- 1. GOODWIN is a corporation organized and existing pursuant to the laws of the Untied Kingdom, with its registered office at Ivy House Foundry, Hanley, Stoke-on-Trent, ST1 3NR, United Kingdom. GOODWIN designs, manufactures, and supplies check valves and exports the check valves internationally, including to the United States.
- 2. Upon information and belief, Respondent ASI is a corporation organized and existing pursuant to the laws of the State of New Jersey with its principal place of business at 1320 West Blancke Street, Linden, New Jersey 07036.
- 3. Upon information and belief, ASI was licensed by the Commission for all pertinent periods subject of this Complaint as a non-vessel operating common carrier ("NVOCC") in the waterborne foreign commerce of the United States and as an ocean freight forwarder (FMC License No.004331, Org No. 014726), pursuant to the Shipping Act, and maintained during the period in question the following pertinent surety bonds pursuant to 46 C.F.R. § 515.21 (1) and (2):
  - a) Bond Nos. JGINVOC2796 and JGIFMC1466, for \$75,000 and \$50,000, respectively, issued by Bunkers Insurance Company, effective from March 12, 2012 to the present, and;
  - b) NVOCC bond nos., JGINVOCC 2232 and JGIFMC 329, for \$75,000 and \$50,000, respectively, issued by Ulico Casualty Insurance Company effective from March 12, 2010 through March 12, 2012.
- 4. While ASI holds out to provide air and ocean services at 5349 Zambrano Street, Commerce, CA 90040, and 9958 NW 89 Court Medley, FL 33178, these locations have not been reported to the Commission, nor have surety amounts reflected these branches in violation of the Commission's regulations.

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5. Upon information and belief, Mr. Ray Tobia, was the President, and Qualifying Individual of ASI at all times pertinent to the allegations herein.

#### **FACTUAL ALLEGATIONS**

- 6. During the period commencing on or about August 26, 2010, continuing through on or about March 24 2015, Respondents were retained by Fielding International Freight ("Fielding"), No. 19 Moorsland Urmsten, Manchester, United Kingdom, a U.K. freight forwarder for GOODWIN, to provide ocean transportation intermediary ("OTI") services to GOODWIN for shipments originating at U.K. Points by arranging for U.S. Customs clearance and other transportation related activities, including arranging for trucking services, to effect delivery of GOODWIN's imports to the U.S. at U.S. Points (door to door shipments) for a total of 118 shipments. During this period S.H.E. Maritime Ltd., doing business as Trinity Line, 2 Town Quay Wharf/Abbey Rd, Barking IG11 7BZ, United Kingdom, an unlicensed/registered NVOCC (Org. no. 009698), and other Ocean Transportation Intermediaries registered with the Federal Maritime Commission acted as non-vessel operating common carriers for the transport of GOODWIN's goods to the United States.
- 7. ASI acted as an FMC licensed ocean transportation intermediary in the United States which met the requirements of 46 C.F.R. §515.3 by performing duties to effect delivery of GOODWIN's goods to U.S. consignees that were transported by Trinity Line and other registered NVOCCs. Ray Tobia acted as the Qualifying Individual for ASI at all times pertinent to this Complaint.
- 8. Since the sales transactions subject of this proceeding were sold on Delivered Duty Paid ("DDP") terms, they required U.S. Customs and Border Protection ("CBP") clearance as a precondition to transport to the consignees' door. Respondent's

responsibilities were to perform as GOODWIN's sub-agent, as arranged by Fielding, all duties to arrange accomplishing clearing the goods through CBP pursuant to the DDP terms, in order to effect delivery of GOODWIN's shipments to the consignee's door.

- 9. On or about March 11, 2015, GOODWIN received the first of ten (10) Notices of Action from CBP requesting GOODWIN to pay additional import duties based on the applicable 5% ad valorem rate due to the misclassification of its check valves. Those notices asserted that GOODWIN's merchandise for the imports in question should not have been classified under 8481.20.0080, but rather should have been classified under 8481.30.2090, at the rate of 5% of the value of the merchandise. *See* Attachment A, ten Notices of Action dated 3/3/2015 through 3/16/2015.
- 10. On or about March 11, 2015, was the first time that GOODWIN became aware of a genuine issue of material fact that required it to perform reasonable diligence which ultimately determined that while Respondents were aware from GOODWIN shipping documentation that the vast majority of GOODWIN's merchandise were assessed duties at 5% ad valorem, Respondents nevertheless willfully, and fraudulently paid-over to U.S. CBP 2% and in some instances 3% based on false classifications of Goodwin's merchandise. GOODWIN had been paying over to Fielding and its sub-agent ASI the correct duties for the transactions subject of this Complaint based on a history of shipping its merchandise to the United States. In some instances Respondents misclassified the merchandise as duty free but still charged GOODWIN at 5% ad valorem.
- 11. After receiving the ten (10) notices from CBP, GOODWIN retained U.S. Customs attorneys to assist GOODWIN with the auditing process and to prepare a Prior Disclosure per CBP regulations going back for five years as required.

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- 12. The results of the due diligence review by GOODWIN and its Customs attorneys resulted in the following conclusions:
  - a) that GOODWIN paid to Fielding, and ASI collected for the correct import duty rate at 5% (without consideration of the permissible deductions for merchandise process fees ("MPF") and Harbor Maintenance Fees ("HMF") ); and
  - b) that ASI paid over to the Customs broker, Paul Bellack Inc. ("Broker")<sup>1</sup>, an amount reflecting either 2% or 3% of the commercial invoice value, keeping the 2% or 3% difference, and on certain duty free entries, ASI still collected 5% of the value of the merchandise; and
  - c) that ASI not only unlawfully kept those sums, it also subjected GOODWIN to a CBP investigation.
  - d) that the amount due to CBP, paid over to ASI by GOODWIN, but unlawfully retained by ASI was \$209,712.24, an amount which became due and owing to U.S. CBP.
- 13. The above conclusions are illustrated by one sample shipment, for a shipment made pursuant to Nippon Yusen Kaisha Line ("NYK") Master bill of lading no. NYKS5581847560, Attachment B, hereto, and further supported by similar documentation for all other transactions by which the amount to be claimed from ASI was derived:
  - a. **Attachment B**, NYK bill of lading dated July 17, 2014, clearly indicates that Trinity Line is the Shipper, and ASI the Notify Party; the document further identifies this shipment is related to P.O. P91282-04183-13.

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<sup>&</sup>lt;sup>1</sup> The Janel Group was the prior Customs Broker retained by ASI from August 2010 to early 2011.

- Attachment C, GOODWIN Commercial Invoice No. 28713(A) identifies the applicable USA Tariff No. 8481 30 20 90 as applicable to Check Valves, which identifies the transaction as P.O. P91282-04183-13 with a commercial invoice value of \$488.024.00<sup>2</sup>. (Note: GOODWIN's invoice contains the correct USA Tariff no. 8481 30 20 90 which calls for duty of 5% ad valorem).
- Attachment D, U.S. CBP Entry Summary relates to NYK bill of lading no. NYKS5581847560 for the following Industrial Valves/Pneumatic. merchandise: Valves. 8481.20.0080/2%. The following line items appear for duties and other charges: Entry Summary Box no. for Duty, 37---\$9760.48<sup>3</sup>. The Entry Summary is dated July 24, 2014. (Note: this entry incorrectly indicates the USA Tariff No. 8481.20.0080, and the 2% duty rate). This is a document wherein ASI clearly assisted in preparing and filing a false classification to CBP.)
- Attachment E. Paul Bellack Invoice No. 01-J88260 (Dated July 24, 2014): U.S. Customs Duties: \$10,855.51(this total includes the duty paid of \$9,760.48, plus MPF, \$485, and HMF \$610.03). Note that the duty paid amount is erroneous and explained above in footnote 2 since it is calculated at 2% vice the correct duty rate of 5%. This invoice is issued to ASI with a clear indication of the items paid, including the duty paid, \$9,760.48.
- Attachment F. ASI Invoice no. 29787 was issued on July 24, 2014 to Fielding/Goodwin, the same date as the invoice received by ASI from Paul Bellack, The ASI invoice was for EST. Duty and Taxes \$24,401.20<sup>4</sup>

MPF: \$1773.48<sup>5</sup> HMF: \$610.03 Courier: \$45.00 Total: \$26829.71

MPF at \$485, the maximum allowed rate for MPF. At this time GOODWIN is only claiming on the

amounts shorted for duties, but reserves the right to include ASI overcharges for fees.

<sup>&</sup>lt;sup>2</sup> Note that after GOODWIN's Customs' counsel reviewed the entry and made appropriate deductions for DDP transactions from the Commercial Invoice value, the value amount for computing duties was reduced to \$445,465.77, which is used for our computation of amounts claimed by GOODWIN against ASI which have now been paid to CBP.

<sup>&</sup>lt;sup>3</sup> The amounts of duty initially paid based on the lower percentage (2%), \$9,760.48, versus the correct amount of duties due on the revised value as indicated in footnote 1 at the correct duty rate of 5% is \$22,273.29----i.e., a difference of \$12,512.81. This latter number comprises the amount withheld by ASI by charging Fielding/GOODWIN at 5% but paying over only 2% of duties collected upon which GOODWIN's claim is based, the difference pocketed by ASI.

<sup>&</sup>lt;sup>4</sup> Note that this amount even though titled "EST Duty and Taxes" is derived by ASI by calculating 5% of the commercial invoice----i.e., \$488,024.00. The 5% was the duty rate known by GOODWIN to be the correct duty rate, but what it did not know was that ASI paid-over only 2% of that amount to CBP. <sup>5</sup> Note that MPF was invoiced by ASI at \$1,773.49 while the Paul Bellack Invoice No. 01-J88260 invoiced

**Note:** ASI was invoiced Customs duties from Paul Bellack's Invoice No. 01-J88260, issued on the same date as the ASI invoice to GOODWIN/Fielding for \$9,760.48, and at the same time ASI was invoicing Fielding/GOODWIN \$24,401.20 for the same duties.

- 14. GOODWIN paid \$209,712.24, the amounts retained by ASI, through its U.S. Customs attorneys to CBP on July 30, 2015. *See* Attachment G, Prior Disclosure Perfection Letter and check.
- 15. As a direct consequence of the unlawful conduct engaged in by Respondents, and of the violations of the Shipping Act, and the Commission's Rules and Regulations, Complainant has incurred damages.

#### **VIOLATIONS**

- GOODWIN's imports, by collecting from GOODWIN through Fielding for the correct duty rate at 5%, and by paying the U.S. Customs through the Customs broker a lower rate at 2%, 3% or zero by providing a false tariff code and unlawfully keeping the remainder of the 5% duty collected from GOODWIN, violates the Shipping Act and its implementing regulations, in particular, 46 U.S. Code § 41102 (c) in that ASI failed to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the delivering of property.
- 17. Respondents, by assisting in the preparation and filing of false and fraudulent documentation/information concerning an ocean transportation intermediary transaction and by knowingly imparting to GOODWIN/Fielding, the principal, shipper

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and other persons, such false information relative to ocean transportation intermediary transactions violated the FMC regulations at 46 C.F.R. §515.31(e).

- 18. Respondents, by collecting from GOODWIN through Fielding for the correct duty rate at 5%, and by paying the U.S. Customs through the Customs broker a lower rate at 2%, 3% or zero duty by providing false tariff codes, and unlawfully keeping the remaining sums collected from GOODWIN, violated the FMC regulations at 46 C.F.R.§515.31(e) by preparing and filing of false and fraudulent documentation/information concerning an ocean transportation intermediary transaction and by knowingly imparting to GOODWIN/Fielding, the principal, shipper and other persons, such false information.
- 19. Respondent, Mr. Ray Tobia, further violated the requirement as the Qualifying Individual of ASI in that he acted with a lack of the necessary character to render ocean transportation intermediary services as required by 46 C.F.R.§515.11(a)(1).

#### **DAMAGES**

20. As a direct consequence of the unlawful conduct engaged in by Respondent, Complainant has suffered injury as provided herein, and as may be further demonstrated in this proceeding, and seeks relief as provided below.

#### PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Commission issue the following relief:

1. An Order compelling Respondents to answer the charges made herein and scheduling a hearing in Washington, D.C. during which the Commission may receive evidence in this matter;

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2. An Order holding that the Respondents activities described herein were

unlawful and in violation of the Shipping Act;

3. An Order compelling Respondents to jointly and severally make

reparations to Complainant GOODWIN in the amount of \$209,712.24, which has now

been paid to U.S Customs pursuant to its Prior Disclosure Letter, and which it believes

will be at minimum an amount claimed by U.S. Customs from Goodwin, plus interest and

any penalties, as may be proven during the course of this proceeding, with interest as may

be lawfully permitted by law, costs, and attorneys' fees;

4. An Order revoking Respondent ASI's NVOCC and freight forwarder

license and further prohibiting Respondents ASI and Mr. Ray Tobia from doing NVOCC

and freight forwarding business in the U.S.; and

5. Such other and further relief as the Commission deems just and proper.

**ALTERNATIVE DISPUTE RESOLUTION** 

The Commission's informal dispute resolution procedures have not been used

prior to the filing of the Complaint. Counsel for the Complainant has not consulted with

the Commission's Dispute Resolution Specialist about utilizing alternative dispute

resolution (ADR) under the Commission's ADR Program.

A hearing is requested in Washington, D.C.

Respectfully submitted,

By:

Carlos Rodriguez, Esq.

Carlos Rodriguez, Esq. Zheng Xie, Esq.

Husch Blackwell LLP 750 17th Street NW, Suite 900

Washington DC 20006

Carlos rodriguez@huschblackwell:com

Zheng xie@huschblackwell.com

202-378-2365 (Telephone)

202-378-2319 (Facsimile)

Attorneys for Complainant

Dated in Washington, D.C., this 26 day of August 2015.

#### **VERIFICATION**

John W. Goodwin declares and states that he is the Director of Goodwin International Ltd., Complainant in this proceeding, and that the foregoing Verified Complaint is true to the best of his information and belief; and that the grounds of his belief as to all matters not upon his own personal knowledge is information which has otherwise been provided to Complainant.

Pursuant to 28 U.S.C. §1746 (1), I declare and state under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

John W. Goodwin, Director

Goodwin International Ltd.

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-CONFIDENTIAL MATERIALS

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**PUBLIC VERSION** 

# ORIGINAL ATTACHMENT A

#### NOTICE OF ACTION

19 CFR 152.2 1. DATE OF THIS NOTICE This is NOT A Notice of Liquidation 03/03/2015 5, ENTRY NO. 3. DATE OF IMPORTATION 2. CARRIER 4. DATE OF ENTRY CNRU 02/14/2015 92300909808 6. MFR/SELLER/SHIPPER 7. COUNTRY 8. CBP BROKER AND FILE NO. **GBGOOINTTRE** PAUL BELLACK INC GB 9. DESCRIPTION OF MERCHANDISE SLAC VAVLES 11, FROM
Joan Angelill ENBRIDGE ENERGY, LIMITED PARTNERSHIP U.S. Customs and Border Protection 1100 Louisiana St 5600 Pearl St Houston, TX 77002-5227 Rosemont, IL 60018-5318 12. THE FOLLOWING ACTION, WHICH WILL RESULT IN AN INCREASE IN DUTIES, -IS PROPOSED IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASON IN WRITING TO THIS OFFICE WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS, THE ENTRY WILL BE EITHER LIQUIDATED AS PROPOSED OR CHANGED AS PROPOSED. THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR HAS BEEN TAKEN REVIEW IN THIS OFFICE. TYPE OF ACTION **RATE ADVANCE** VALUE ADVANCE В. EXCESS WEIGHT QUANTITY OTHER (See below) 13. EXPLANATION (REFER TO ACTION LETTER DESIGNATIONS ABOVE)
Merchandise identified as Check Valves or (SLAC Valves) were classified under HTSUS 8481.20.0080 which provides for Valves for oleohydraulic or pneumatic transmissions, other. These check valves or (SLAC Valves) are more properly classified under 8431.30.2090 which provides for Check (nonreturn) valves; of steel. The rate of duty will be 5% ad valorem. This entry will liquidate as proposed unless supporting documentation for an alternative classification is provided by you within 20 business days 14. CBP OFFICIAL 15. TEAM DESIGNATION 16. TELEPHONE 847-928-6084 Joan Angelilli 307 17. FAX NUMBER 18. EMAIL

Joan.Angelilli@Dhs.Gov

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## NOTICE OF ACTION Continuation Page

19 CFR 152.2

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IS PROPOSED.		ISAGREE WITH THIS PROPOSED		
IS <u>PROPOSED.</u> FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH- IN 20 DAYS FROM THE DATE OF THIS NOTICE, AFTER 20				
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TYPE OF ACTION A.	KAIE AI	OVANCE		
В.	VALUE	ADVANCE		
c.	FYOTOG	. I wrote it	7	
)	EXCESS	WEIGHT	QUANTITY	
D.	OTHER	(See below)		
13. EXPLANATION (Refer to Action letter design	rtions about	<u> </u>		
15. EXTENTATION (Note) to Auton letter design	atoris above)			
01-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-				
Check valves were classifi	ea unaer 8481.20.0080	), which provides for other t	valves for pneumatic	
transmissions. This merchan	dise will be liquidated u	ınder 8481.30.2090, which	provides for taps, cocks,	
valves and similar appliances,	for pipes, boiler shells	, tanks, vats or the like, inc	luding pressure-reducing	
valves and thermostatically co	ntrolled valves; parts t	hereof: check (nonreturn) v	alves: of iron or steelof	
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14. CBP OFFICER (Print or Type)		15. TEAM DESIGNATION	16. TELEPHONE	
Jeffrey Kiekenbush, Sr. Import S	pecialist	CT 307	(847) 928-6085	
	·		CDD FORM 20 (02/05)	

This is NOT a Notice of Liquida	ation		1.	DATE OF THIS NOTICE 03/11/2015
2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY	. 5.	ENTRY NO.
HOUSTON EXPRESS	09/30/2014	10/15/201		923 - 00893630
6. MFR/SELLER/SHIPPER	7. COUNTRY	8. CBP BROKER AND	FILE NO.	
GOODWIN INTERNATIONA  B. DESCRIPTION OF MERCHANDISE	United Kingdon	Paul Bellack		J89363
Check valves		•		·
10. TO		11. FROM		
GOODWIN INTERNATION IVY HOUSE, LEEK ROA		. 1	ustoms and Bo earl Street	order Protection
	T48HU	Rosem	ont, IL 60018	
Officed Kingdom		Fax: 84	17-928-8252	
12. THE FOLLOWING ACTION W	HICH WILL RESULT IN A	N INCREASE IN DUTIES	S,	
IS <u>PROPOSED.</u>	FURA IN 20	U DISAGREE WITH THIS P ISH YOUR REASONS IN W DAYS FROM THE DATE OF THE ENTRY WILL BE LIQU	RITING TO THIS THIS NOTICE.	OFFICE WITH- AFTER 20
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13. EXPLANATION (Refer to Action letter design	nations above)			
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14. CBP OFFICER (Print or Type)	Charieliet	15. TEAM DESIGN		16. TELEPHONE
Jeffrey Kiekenbush, Sr. Import	opecialist	C	Г 307	(847) 928-6085

This is NOT a Notice of Liquida	ition			•	03/11/2015
2. CARRIER	3. DATE OF IMPORTA	TION 4	DATE OF ENTRY		5. ENTRY NO.
·	02/02/201	5 .	02/14/2015		923 - 00909782
6. MFR/SELLER/SHIPPER	7. COUNTRY	8.	CBP BROKER AND FILE	E NO.	
GOODWIN INTERNATIONA	United Kin	gdom	Paul Bellack	•	J90978
9. DESCRIPTION OF MERCHANDISE					•
Check valves					
10. TO		1	1, FROM		
GOODWIN INTERNATION					Border Protection
IVY HOUSE, LEEK ROAI	<b>)</b>	•	5600 Pear	l Street	
	T48HU		Rosemont	, IL 6001	8
United Kingdom					•
		.	Fax: 847-9	28-8252	
12. THE FOLLOWING ACTION WI	HCH WILL RESUL	T IN AN INCRE	ASE IN DUTIES,-		
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		VALUE ADVA	**************************************		
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13. EXPLANATION (Refer to Action letter design	nalions above)				
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14. CBP OFFICER (Print or Type)			15. TEAM DESIGNATIO		16, TELEPHONE
Jeffrey Kiekenbush, Sr. Import S	Specialist		CT 30	7	(847) 928-6085
					ODD FORM OF (SOME)

This is NOT a Notice of Liquida	tion		1. DATE OF THIS NOTICE 03/12/2015
2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY	5, ENTRY NO.
KUALA LUMPUR EXPRESS	07/25/2014	08/03/2014	923 - 00882609
6. MFR/SELLER/SHIPPER	7. COUNTRY	8, CBP BROKER AND FILE NO.	
GOODWIN INTERNATIONA	United Kingdom	Paul Bellack	J88260
9. DESCRIPTION OF MERCHANDISE			· · · · · · · · · · · · · · · · · · ·
Check valves		•	
10, TO	<del></del>	11. FROM	
GOODWIN INTERNATIO		.!	d Border Protection t
STOKE:ON TRENT, STUDIED	r48HU	Rosemont, IL 60	018
o mou tanguom		Fax: 847-928-82	52
12. THE FOLLOWING ACTION WH	ICH WILL RESULT IN AN INC	REASE IN DUTIES,-	
is <u>proposed.</u>	FURNISH YO IN 20 DAYS	AGREE WITH THIS PROPOSED DUR REASONS IN WRITING TO FROM THE DATE OF THIS NOTI ENTRY WILL BE LIQUIDATED AS	THIS OFFICE WITH- ICE, AFTER 20
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TYPE OF ACTION A.	RATE ADV	ANCE	
В.	VALUE AD	VANCE	
C. D.	EXCESS OTHER (S	WEIGHT Eee below)	QUANTITY
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14. CBP OFFICER (Print or Type)		15. TEAM DESIGNATION	16. TELEPHONE
Jeffrey Kiekenbush, Sr. Import S	Inecialist	CT 307	(847) 928-6085
Tomoy racicalization, Or import	poolanoi.		(071) 320-0000

This is NOT a Notice of Liquida	ation		03/12/2015	
2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY	5. ENTRY NO.	
APL SHANGHAI	04/29/2014	05/06/2014	923 - 00876023	
6. MFR/SELLER/SHIPPER	7. COUNTRY	8. CBP BROKER AND FILE NO.		
GOODWIN INTERNATIONA	United Kingdom	Paul Bellack	J87602	
9. DESCRIPTION OF MERCHANDISE				
Check valves		11, FROM	<u></u>	
, , -		1	1 m a dan marka <sup>2</sup> d	
GOODWIN INTERNATION			and Border Protection	
IVY HOUSE, LEEK ROA		5600 Pearl Stre	•	
	T48HU	Rosemont, IL	60018	
United Kingdom			. •	
Fax: 847-928-8252				
12. THE FOLLOWING ACTION WI	HICH WILL RESULT IN A	N INCREASE IN DUTIES -		
THE POLEOWING ACTION WE	HOLL WILL KLOOL IN A	WINCKLASE IN BOTIES,—		
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IS PROPOSED.		SH YOUR REASONS IN WRITING T DAYS FROM THE DATE OF THIS NO		
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TYPE OF ACTION A.	X RATE	ADVANCE		
В.	· 🛱 VAIII	E ADVANCE	•	
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C.	EXCE	SS  WEIGHT [	QUANTITY	
D.	OTHE	R (See below)	•	
13. EXPLANATION (Refer to Action letter design	nations above)			
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14. CBP OFFICER (Print or Type)	<del></del>	lan management		
Jeffrey Kiekenbush, Sr. Import	Specialist	15. TEAM DESIGNATION	16. TELEPHONE	
Comey Neverbush, Or. Import	ohengist	CT 307	(847) 928-6085	

OSAKA EXPRESS  (RAPRISHERSHEPPER  GOODWIN INTERNATIONA  United Kingdom  DESCRIPTION OF MERCHANDISE  Check valves  (R. TO  IV HOUSE, LEEK ROAD  NOT HER FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES.  IS PROPOSED.  IS PROPOSED.  HAS BEEN TAKEN.  TYPE OF ACTION  A  RATE ADVANCE  C. BECKESS  WEIGHT  QUANTITY  13. EXPLANTION (Refer to Addien before dealigneelings abrow)  The Port of which and statement indicating additional duties plus interest due will be sent.  Please note that a statement indicating additional duties plus interest due will be sent.	This is NOT a Notice of Liquida	tion	•	03/16/2015
LEFFELL LERGENPER   COLUMN INTERNATIONA   United Kingdom   Leave Bergoter And File No.   J9092/	2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY	· · · · · · · · · · · · · · · · · · ·
GOODWIN INTERNATIONAL United Kingdom Paul Bellack J98924. DESCREPTION OF MERCHANDISE Check valves  16. TO GOODWIN INTERNATIONAL LIMITED IVY HOUSE, LEEK ROAD STOKE ON TRENT, ST48HU United Kingdom Fax: 847-928-8252  12. THE FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES, IS PROPOSED.  IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH- IN 20 DAYS FROM THE DUTIES OF THE ENTRY WILL BE LIQUIDATED AS PROPOSED.  IT HE ENTRY IS IN THE LOUIDATED AS PROPOSED.  TYPE OF ACTION A  RATE ADVANCE B VALUE ADVANCE C. C. C. C. C. C. C. C. C. C. C. C. C.	OSAKA EXPRESS	02/03/2015		923 00909246
DESCRIPTION OF MERCHANDISE   Check Valves	6. MFR/SELLER/SHIPPER			
Check valves  16.TO  GOODWIN INTERNATIONAL LIMITED INTHOUSE, LEEK ROAD  STOKE ON TRENT, ST48HU  United Kingdom  IS PROPOSED.  IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH IN 20 DAYS FROM THE DATE OF THE NOTICE. AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.  THE ENTRY IS IN THE UDUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.  TYPE OF ACTION A RATE ADVANCE  B. VALUE ADVANCE  C. EXCESS WEIGHT QUANTITY  D. OTHER (See below)  TO EVEL WATER 10 DESIGNED FOR THE VALUE OF THE VALUE STATE THE VALUE OF THE VALUE STATE ADVANCE (See below)  TO EVEL WATER 10 DAYS THE STATE ADVANCE (See Delow)  TO EVEL WATER 20 DAYS THE STATE ADVANCE (See Delow)  TO EVEL WATER 20 DAYS THE STATE ADVANCE (See Delow)  TO EVEL WATER 20 DAYS THE STATE ADVANCE (See Delow)  TO EVEL WATER 20 DAYS THE STATE ADVANCE (See Delow)  TO THER (See Delow)  TO THER (See Delow)  THE STATE ADVANCE (SEE WITH THIS PROPOSED ACTION, PLEASE (SEE WITH THIS PROPOSED ACTIO		United Kingdom	Paul Bellack	J90924
11. FROM   U.S. Customs and Border Protection   STOKE ON TRENT, ST48HU   ST600 Pearl Street   Rosemont, IL 60018   Fax: 847-928-8252			•	
GOODWIN INTERNATIONAL LIMITED NY HOUSE, LEEK ROAD STOKE ON TRENT, ST48HU United Kingdom  THE FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES, IS PROPOSED.  IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH IN 20 DAYS FROM THE DATE OF THIS NOTICE, AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.  THE ENTRY WILL BE LIQUIDATED AS PROPOSED.  THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.  TYPE OF ACTION A RATE ADVANCE C. SCESS WEIGHT QUANTITY D. OTHER (See below)  THE EVERY WILL BE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.  TYPE OF ACTION A WEIGHT QUANTITY D. OTHER (See below)  THE EVERY WILL BE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.  TYPE OF ACTION A WEIGHT QUANTITY D. OTHER (See below)  THE EVERY WAS AND THE VALUE ADVANCE C. SCECESS WEIGHT QUANTITY D. OTHER (See below)  THE CONTROL OF THE VALUE AND THE VAL			1	·
NY HOUSE, LEEK ROAD   S600 Pearl Street   Rosemont, IL 60018   Fax: 847-928-8252				
STOKE ON TRENT, ST48HU United Kingdom    Fax: 847-928-8252     THE FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES.—	•			
THE FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES.    IS PROPOSED.   IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH IN 20 DAYS FROM THE DATE OF THIS NOTICE. ACTIER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.    IN AS BEEN TAKEN.   THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.		<b>D</b>	5600 Pearl Street	
Fax: 847-928-8252  12. THE FOLLOWING ACTION WHICH WILL RESULT IN AN INCREASE IN DUTIES,—  IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FUNDING HOUSE REASONS IN WRITING TO THIS OFFICE WITH IN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.    WAS BEEN TAKEN.		T48HU	Rosemont, IL 600	018
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FURNISH YOUR REASONS IN WRITING TO THIS OFFICE WITH IN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS THE ENTRY WILL BE LIQUIDATED AS PROPOSED.    X	12. THE FOLLOWING ACTION WI	IICH WILL RESULT IN AN IN	CREASE IN DUTIES,-	
NOT AVAILABLE FOR REVIEW IN THIS OFFICE.  TYPE OF ACTION A. X RATE ADVANCE B. VALUE ADVANCE C. EXCESS WEIGHT QUANTITY D. OTHER (See below)  13. EXPLANATION (Refer to Action letter designations above)  Check valves were classified under 8481.20.0080, which provides for other valves for pneumatic transmissions. This merchandise will be liquidated under 8481.30.2090, which provides for taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves; parts thereof: check (nonreturn) valves: of iron or steelof steel. The rate of duty will be 5 percent ad valorem.  Please note that a statement indicating additional duties plus interest due will be sent.	IS <u>PROPOSED.</u>	FURNISH Y IN 20 DAYS	OUR REASONS IN WRITING TO T FROM THE DATE OF THIS NOTIC	THIS OFFICE WITH- CE. AFTER 20
B. VALUE ADVANCE C. EXCESS WEIGHT QUANTITY D. OTHER (See below)  13. EXPLANATION (Refer to Action letter designations above)  Check valves were classified under 8481.20.0080, which provides for other valves for pneumatic transmissions. This merchandise will be liquidated under 8481.30.2090, which provides for taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves; parts thereof: check (nonreturn) valves: of iron or steelof steel. The rate of duty will be 5 percent ad valorem.  Please note that a statement indicating additional duties plus interest due will be sent.	X HAS BEEN TAKEN.			
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Jeffrey Kiekenbush, Sr. Import Specialist CT 307 (847) 928-6085	14. CBP OFFICER (Print or Type)	•		
	Jettrey Kiekenbush, Sr. Import S	Specialist	CT 307	(847) 928-6085

## ATTACHMENT B

#### COPY NON NEGOTIABLE



#### SEA WAYBILL

SHIPPER/EXPORTER		BOOKING NO.	SEA WAYBILI	NO.	
TRINITY LINE		5581847560		581847560	
AS AGENTS GOODWIN INTERNATIO	NAL LTD	EXPORT REFERENCES (for the	ne merchant's and/or carrier's reference	only)	
NEWSTEAD TRADING EST		BE14070182	BE14070182 SC0400836,SC0400836V06,053 - NE -		
TRENTHAM ST4 8HU		USA (WB) EUI	ROPE TO USA/CAN	ADA	
TREMITE DIT ON			a War		
CONSIGNEE		FORWARDING AGENT-REFE	RENCES		
PONTIAC WAREHOUSE ENBRIDGE E	NERGY	FMC NO.			
1002 W. NORTH STREET					
PONTIAC IL 61764-1001 USA					
JOHN LEGROS AT 815 419 4127		PECEIVED by the Corrier	from the Shipper in apparent goo	nd notice and condition unlace	
JERRY PHILLIPS AT 309 573 12	4.3	otherwise indicated herein	the Goods, or package(s) said t		
NOTIFY PARTY (It is agreed that no responsibility shall be attached to the C			erms and conditions herein. he Camer for Cernage hereunder	constitutes the Merchant's	
AIR SEA INTERNATIONAL FORWAR			ilations, exceptions, terms and co ny local custom or privilege notwit		
INC, 1320 WWEST BLANCKE STRE		supersedes all prior agree	ments or freight engagements for	r the Goods.	
LINDEN, NEW JERSEY 07036 USA			this Bill(duly endorsed if it is nego s or delivery order. Where issued		
DIRECT TEL 732 547 0489			ent of title and delivery shall be no sonable proof of identity as may b		
OFFICE TEL 908 583 5086	<n< td=""><td>in witness whereof, the ur</td><td>ndersigned, on behalf of Nippon Y</td><td>usen Kaisha and the Vessel</td></n<>	in witness whereof, the ur	ndersigned, on behalf of Nippon Y	usen Kaisha and the Vessel	
PRE-CARRIAGE BY	PLACE OF RECEIPT		ned the number of Bills stated her Bill of Lading, delivery may be ma		
•	STOKE ON TRENT	Bill in which case, the other	ers shall stand void		
OCEAN VESSEL VOYAGE NO. FLAG	PORT OF LOADING	ENAL DESTINATION (for the I	Merchant's reference only)		
KUALA LUMPUR EXPRESS 038W	SOUTHAMPTON				
PORT OF DISCHARGE	PLACE OF DELIVERY	TYPE OF MOVEMENT (IF MIX	ED, USE DESCRIPTION OF PACKAGE	ES AND GOODS FIELD)	
NORFOLK	PONTIAC, IL 61764	FCL / FCL		DOOR / DOOR	
	ULARS DECLARED BY SHIPPER BU	TNOT ACKNOWLEDGED B	Y THE CARRIER		
CNTR. NOS. W/SEAL NOS. QUANTITY MARKS & NUMBERS QUANTITY DECLARATION ONLY)	H DESCRIPTION	N OF GOODS	GROSS WEIGHT	GROSS MEASUREMENT	
TTNU5546749 /EUR355255 /	8 WOODEN CASES	/FCL / FCL	/40GP/1808	34 000 KG/	
P.O.   8 P91282-04183   WOODEN	77.46.3656	KGG	18084.000KG	35	
-13 CASES		ROD			
	DIMS 146X144X84 CM				
	CASE 2 GROSS 2127	KGS			
	NET 1997 KGS DIMS 146X144X84 CM	S			
	CASE 3 GROSS 2127				
	NET 1997 KGS				
,	DIMS 146X144X84 CM CASE 4 GROSS 2127				
to the second se	NET 1997 KGS	NG5	Ì		
	DIMS 146X144X84 CM				
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	CASE 5 GROSS 2394 : NET 2270 KGS	KGS			
	DIMS 113X111X132CM	S			
*****	BE CONTINUED ON ATT				
Declared Cargo Value US\$	Merchant enters a value, Carner's limitation of	of liability shall not apply and the a	d valorem rate will be charged.		
FREIGHT & CHARGES PAYABLE AT / BY:		FORM NO. COMMODITY CODE	EXCHANGE RATE [0]	ORIGINAL BILL(S) HAVE	
CODE TARIFF ITEM. FREIGHTED AS	SC0400836 PREPAID	COLLECT		EN SIGNED.	
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		1.	SIGNED NYK GROUP EURO		
			BY:	, as agent for and on behalf of	
				, as egon to the on Deneil Of	

## COPY NON NEGOTIABLE

VESSEL VOYAGE: KUALA LUMPUR EXPRESS 038W

B/L NO.: NYK\$5581847560

VESSEL VOTAGE: KUALA			N1K5558184/56	· U
CNTR MOS. W/SEAL NOS. MARKS & NUMBERS	QUANTITY (FOR CUSTOMS DECLARATION ONLY)	H DESCRIPTION OF GOODS	GROSS WEIGHT	GROSS MEASUREMENT
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FREIGHT PREPAID SHIPPER'S LOAD, STO SHIPPED ON BOARD AGENTS AT DESTINATI NYK LINE N.A. INC. 377 E. BUTTERFIELD PHONE: 1-630-435-78 FAX: 1-630-435-3110   N FAX 908 583 5083 E-MAIL RTOBIA@AIRSE	ON: ROAD, FIF	TH FLOOR, LOMBARD, IL 60148, U.S.A		
		SKENED NYK GROUP EU	ROPE LTD.	•

, as agent for and on behalf of

# ATTACHMENT C

# CONFIDENTIAL MATERIAL IS EXCLUDED

## ATTACHMENT D

# CONFIDENTIAL MATERIAL IS EXCLUDED

## ATTACHMENT E

#### PAUL BELLACK INC

WWW PAULBELLACK COM FMC LIC# 1546, CHB# 7956 179 BLACK HORSE LANE

NORTH ERUNSWICK, NJ 08902 Phone: 732-422-1784, Fax: 732-422-1713

### INVOICE

SERVICES BILLED TO

AIR SEA INTERNATIONAL FORWARDING PO BOX 340 ADELPHIA, NJ 07710

ACCT, NO. INVOICE NO 01-J88260 AIRSEJ FILENO J88260 07/24/2014 YOUR REFERENCE NO. 07/24/2014 TERMS

**E** iiiii

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DUE UPON RECEIPT AIRLINE/STEAMSHIP MASTER KUALA LUMPUR EXPRESS 038E NYRS 5581847560 ARRIVAL DATE | DEPARTURE DATE | 07/27/2014 | 07/16/2014 ORIGINIDESTINATION FELIXSTOWE, ENGLAND 18,084 GOODWIN INTERNATIONAL LIMITED CHICAGO, IL DESCRIPTION ENRY# 923-0088260-9 07/27/2014 INDUSTRIAL VALVES U#S##CUSTOMS#DUTIES 10,855.51 THE IMPORTER MUST CUSTOMS ENTRY FEE 85.00 FURNISH MISSING ISF FILING FEE DOCUMENTS WITHIN THE PERIOD OF TIME REQUIRED BY CUSTOMS REGULATIONS TO AVOID CUSTOM PENALTIES SUBTOTAL 10,965.51 INTEREST LESS DEPOSIT, LESS ADVANCE, PLEASE PAY THIS AMOUNT 10.965.51

PLEASE REMIT PAYMENT TO OUR MAIN OFFICE LOCATED AT: 149 BLACK HORSE LANE NORTH BRUNSWICK, NJ 08902

YOUR BUSINESS IS TRULY APPRECAITED!

WE ARE A PROUD MEMBER OF C-TPAT

If you are the importer of record; payment to the broker will not relieve you of liability for Customs charges (duties taxes or other debts owed Customs) in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate; check payable to:
"U.S. Customs and Border Protection" which shall be delivered to Customs by the broker.

::: 22

ORIGINAL INVOICE

## ATTACHMENT F

#### on the state of th FORWARDING, INC.

1320 WEST BLANCKE STREET, LINDEN, N3 07036 UNITED STATES Tel: 908-583-5086, Fax: 908-583-5083

## Invoice

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	Daté : "	Number	
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198			
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FIELDING INTERNATIONAL FREIGHT	Consignee: Origin/Destination:	ENBRIDGE EN SOUTHn/Desti	nation://ORF
NO:19 MOORSLAND	Entry Date:	Jul/24/2014	
URMSTEN, MANCHESTER	Carrier: AWB//BL/No.	NYKLINES NYKS5581847	560
UNITED KINGDOM	House Way Bill:	1 / 39868 40 lb	::
	Pieces / Weight: Booking Number		
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REMIT PAYMENT TO:

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By Check ASI Forwarding Inc. PO Box 340 Adelphia, NJ 07710

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By Wire: co ASI Forwarding Inc wi c/o TD Bank NA Route 9 South Old Bridge; NJ 08857 Routing # 031201360 Swift # NRT HUS33 Account # 7866307395

Interest of 3:5% plus the cost of collection; as well as legal fees; will be charged to your account for any past due amounts of non-

USD Amount Tax

:23

26829 710000 .........0.00 .26829.71

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33.

Total

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# ATTACHMENT G

# CONFIDENTIAL MATERIAL IS EXCLUDED

RECEIVED

2015

## BEFORE THE FEDERAL MARITIME COMMISSION 2015 AUG 27 PM 1: 11

GOODWIN INTERNATIONAL LTD.	OFFICE OF THE SECRETARY FEODERAL MARITIME COME. )
Complainant,	)
<b>V.</b>	) ) DOCKET NO. 15-07
AIR SEA INTERNATIONAL FORWARDING INC. and RAY TOBIA,	
Respondents	)   ORIGINAL

## **MOTION FOR CONFIDENTIAL TREATMENT**

Complainant, Goodwin International Ltd., by and through their attorneys, Husch Blackwell LLP, hereby respectfully moves for confidential treatment of Attachment C, Complainants' Commercial Invoice, Attachment D, U.S. Customs and Border Protection Entry Summary, and Attachment G, Complainant's Customs counsel's Prior Disclosure Perfection Letter and check, which are marked as "Confidential" in accordance with 46 C.F.R. § 502.5 (a) in that these attachments contain Complainant's proprietary commercial information pursuant to

46 C.F.R. § 502.201(j)(1)(vii).

Respectfully submitted,

By:

Carlos Rodriguez, Esq.

Zheng Xie, Esq.

**Husch Blackwell LLP** 

750 17<sup>th</sup> Street NW, Suite 900
Washington DC 20006
Carlos.rodriguez@huschblackwell.com
Zheng.xie@huschblackwell.com
202-378-2365 (Telephone)
202-378-2319 (Facsimile)
Attorneys for Complainant

Dated in Washington, D.C., this twenty-sixth day of August 2015.